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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/558,556	04/26/2000	Arturo A Rodriguez	A-5703	9533

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SCIENTIFIC-ATLANTA, INC.  
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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

164

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/558,556

Applicant(s)

RODRIGUEZ ET AL.

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 12 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21, 22, 24, 25 and 27-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21, 22, 24, 25, 27-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 39 and 59 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,115,080 to Reitmeier.

Regarding claims 39 and 59, Reitmeier discloses a receiver in figure one with tuners 10a/b which receive MPEG like streams, these streams are decoded and updateable I-frames are displayed in rows and columns to enable a user to select a program to view, the currently highlighted program may be motion video (column 3, line 41-64, column 4, lines 8-15, Figures 1, 6 a/b, column 16, line 14-column 17, line 27)

### ***Claim Rejections - 35 USC § 103***

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 21, 22, 24, 25, 27-38, and 41-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,900,916 to Pauley in view of U.S. Patent 5,815,145 to Matthews.

Regarding claims 21-22, 32-34, 41-42, 45, and 48, Pauley discloses in figure 1, a multi-image display system 10, with tuners 26, 28, DVD input 32, VCR input 30, and receiver 52, and monitor 12, a first program is displayed in main picture 14, and a second on PIP 16, upon user input, such as a channel up request, the pip channel becomes displayed in main picture 14, and a new channel appears in pip 16 (column 2, line 65-column 3, line 44, column 5, line 62-column 6, line 36).

Pauley fails to disclose receiving program information related to each program and displaying the program information in an area corresponding to the program.

Matthews discloses in Figure 2, a receiver 20 with decoders 62a-c, that receives program guide information, in Figures 4 and 6, Matthews shows a number of broadcast video images 104/104a which include program information 106a displayed in a corresponding video program area, a user may change the

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number of rows or program tiles displayed (column 3, line 64-column 4, line 8, line 44-column 5, line 22, column 8, line 16-column 10, line 10, lines 47-58).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the multi image display system of Pauley with the program guide information of Matthews thus enabling a user to learn more about the program they are watching and be able to better select which programming to watch.

Regarding claims 24-25, 43, 44, Mathews discloses in Figure 4, that program information 106 is played adjacent to each video program.

Regarding claims 27, 35, 47, and 57, Matthews discloses that the EPG information is stored in memory 68 (column 5, line 62-column 6, line 9, lines 35-44).

Regarding claims 28-29, 31, 36, 37, 53, and 58, Matthews discloses in Figures 4 and 6 a number of video windows with program identification is display, each window is the same size and the windows are displayed horizontally. Matthews inherently scales down the resolution of the first and second programs prior to displaying them otherwise; it would be impossible to display the programs within the smaller windows as shown in Figure 4.

Regarding claims 30 and 38, Pauley discloses that a channel up/down request will cause the programs to be displayed (column 5, line 62-column 6, line 36).

Regarding claims 49 and 56, Matthews discloses that the programs may be analog and digital programs (column 3, lines 16-23, 31-38).

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Regarding claim 50, Matthews shows a number of broadcast video images 104/104a which include program information 106a displayed in a corresponding video program area, a user may change the number of rows or program tiles displayed (column 3, line 64-column 4, line 8, line 44-column 5, line 22, column 8, line 16-column 10, line 10, lines 47-58).

Pauley and Matthews do not disclose the use of a 3<sup>rd</sup> tuner to retrieve EPG information.

The examiner takes official notice that utilizing a tuner to retrieve EPG information is well known in the art.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Pauley and Matthews to utilize an EPG tuner, thus freeing the other tuners to display multiple programs at the same time.

Regarding claim 51, Matthews shows in Figures 4 and 6, a number of broadcast video images 104/104a which include program information 106a displayed in a corresponding video program area, a user may change the number of rows or program tiles displayed (column 3, line 64-column 4, line 8, line 44-column 5, line 22, column 8, line 16-column 10, line 10, lines 47-58).

Regarding claim 52, Pauley discloses in figure 1, a multi-image display system 10, with tuners 26, 28, DVD input 32, VCR input 30, and receiver 52, and monitor 12, a first program is displayed in main picture 14, and a second on PIP 16, upon user input, such as a channel up request, the pip channel becomes displayed in main picture 14, and a new channel appears in pip 16 (column 2,

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line 65-column 3, line 44, column 5, line 62-column 6, line 36). Pauley inherently displays the incoming video received from the inputs and tuners at their respective frame rates, as Pauley makes no disclosure of changing the frame rates.

Regarding claims 54 and 55, Pauley discloses in figure 1, a multi-image display system 10, with tuners 26, 28, DVD input 32, VCR input 30, and receiver 52, and monitor 12, a first program is displayed in main picture 14, and a second on PIP 16, upon user input, such as a channel up request, the pip channel becomes displayed in main picture 14, and a new channel appears in pip 16 (column 2, line 65-column 3, line 44, column 5, line 62-column 6, line 36).

Pauley fails to disclose receiving program information related to each program and displaying the program information in an area corresponding to the program.

Matthews discloses in Figure 2, a receiver 20 with decoders 62a-c, that receives program guide information, in Figures 4 and 6, Matthews shows a number of broadcast video images 104/104a which include program information 106a displayed in a corresponding video program area, a user may change the number of rows or program tiles displayed, or may scroll across program listings (column 3, line 64-column 4, line 8, line 44-column 5, line 22, column 8, line 16-column 10, line 10, lines 47-58).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify the multi image display system of Pauley with the program guide information of Matthews thus enabling a user to learn more about the

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program they are watching and be able to better select which programming to watch.

Claims 40 and 60-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,115,080 to Reitmeier in view of U.S. Patent 5,815,145 to Matthews.

Regarding claims 40 and 60, Reitmeier discloses a receiver in figure one with tuners 10a/b which receive MPEG like streams, these streams are decoded and updateable I-frames are displayed in rows and columns to enable a user to select a program to view, the currently highlighted program may be motion video (column 3, line 41-64, column 4, lines 8-15, Figures 1, 6 a/b, column 16, line 14-column 17, line 27).

Reitmeier does not disclose displaying picture and program guide information co-located in the same display area.

Matthews shows a number of broadcast video images 104/104a which include program information 106a displayed in a corresponding video program area, a user may change the number of rows or program tiles displayed, or may scroll across program listings (column 3, line 64-column 4, line 8, line 44-column 5, line 22, column 8, line 16-column 10, line 10, lines 47-58).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Reitmeier to utilize the simultaneous display of program



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guide information along with a picture related to the program as taught by Matthews thus aiding a user in choosing a future program to watch.

Regarding claims 61-62, Reitmeier discloses a receiver in figure one with tuners 10a/b which receive MPEG like streams, these streams are decoded and updateable I-frames are displayed in rows and columns to enable a user to select a program to view, the currently highlighted program may be motion video, video is stored in display frame buffer 55 prior to display, multiple channels may be displayed simultaneously thus displaying at least 3 programs (column 3, line 41-64, column 4, lines 8-15, Figures 1, 6 a/b, column 16, line 14-column 17, line 27).

Reitmeier does not disclose the use of program information related to the first and second programs and their locations to one another.

Matthews discloses in Figure 2, a receiver 20 with decoders 62a-c, that receives program guide information, in Figures 4 and 6, Matthews shows a number of broadcast video images 104/104a which include program information 106a displayed in a corresponding video program area, a user may change the number of rows or program tiles displayed, or may scroll across program listings (column 3, line 64-column 4, line 8, line 44-column 5, line 22, column 8, line 16-column 10, line 10, lines 47-58).

Therefore it would have been obvious to one skilled in the art at the time of invention to modify Reitmeier to utilize the simultaneous display of program guide information along with a picture related to the program as taught by Matthews thus aiding a user in choosing a future program to watch.

### ***Conclusion***

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U. S. Patent 6,394,869 B1 to Sciammarella: Channel Scan Function and Method of Displaying Scanned Channels.

U.S. Patent 6,493,038 to Singh: Multi-Window PIP Television with the Ability to Watch Two sources of Video While Scanning an Electronic Program Guide.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 703-305-3234. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL



VIVEK SRIVASTAVA  
PRIMARY EXAMINER